

REMARKS

Claims 1-21 are pending and stand rejected. All pending claims 1-21 are believed to be allowable. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Nonstatutory Double Patenting Rejection of Claims 1-21

Claims 1-21 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of UPSN 6,028,867.

A terminal disclaimer in compliance with 37 CFR 1.321(c) is filed herewith and is believed to overcome this rejection. Thus, withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting is respectfully requested. ✓

Rejection of Claims 1-6 and 8-15 under 35 U.S.C. §103(a)

Claims 1-4, 6, 8, 10-13, 15-17 and 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Batruni. However, the claims are believed to be patentable over and not obvious in view of Batruni.

Independent claim 1 generally recites a telecommunications network having an access multiplexor and a data switch. The access multiplexor includes IDSL interfaces as well as another DSL (i.e., non-IDSL) interfaces. The data switch receives data packets and delivers the data to a remote target irrespective to whether the packet is received on the IDSL or other xDSL interface. The telecommunications network thus enables both IDSL and other DSL interfaces. Independent claims 10 and 15 recite a telecommunications network and a method for providing high speed remote access, respectively, with similar elements as those recited in independent claim 1.

In contrast, Batruni exclusively describes *ADSL (Asymmetric DSL)* interfaces. While Batruni mentions IDSL in his background section, such mention, if anything, teaches away from using IDSL in Batruni's own ADSL network. (See, for example, col. 2, lines 30-36, "In general, an IDSL connection is considered to be sufficient to transfer voice data between TT [touch tone] phones because the volume of data transfer is relatively low. However, in order to transfer data relating to the Internet, e.g., World Wide Web pages and video-on-demand data, an ADSL connection is typically preferred over an IDSL connection.").

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Batruni is otherwise devoid of any mention of IDSL, much less IDSL in combination with another DSL (non-IDSL) technology. Batruni expressly describes his invention in terms of ADSL technology and utilizes ADSL switch 316 that may include ADSL cards (see, for example, col. 7, lines 1-4).

Batruni mentions that the ADSL data rate may vary and “may be up to approximately 8 Mbps, as for example in the range of approximately 6 Mbps to 8 Mbps, or in the range of approximately 128 Kbps to approximately 1.544 Mbps.” (Col. 7, lines 55-60). In particular, Batruni notes that the data rate may vary “depending upon factors including the number of customers associated with central office 308.” (Col. 7, lines 51-54). Thus, even if Batruni were transferring at a data rate of 128 Kbps, Batruni is using ADSL, **not IDSL**, as recited in each of independent claims 1, 10 and 15. Indeed, Batruni makes no mention of employing IDSL technology in his network. Thus, Batruni does not and cannot render the claimed inventions obvious.

Withdrawal of the rejection of claims 1-4, 6, 8, 10-13, 15-17 and 20-21 under 35 U.S.C. §103(a) is respectfully requested.

Rejection of Claims 7 and 16 under 35 U.S.C. §103(a)


Claims 5, 14, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Batruni in view of Laubach. Claims 7, 9, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Batruni in view of Araujo. However, claims 5, 7, 9, 14, 18, and 19 are patentable at least because they depend from claims that are believed to be patentable as discussed above. Therefore, withdrawal of the rejections 35 U.S.C. §103(a) under Batruni in view of Laubach and in view of Araujo is respectfully requested.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1217 (Order No. COVD-0013).

Respectfully submitted,



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